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Sixty-eighth session
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Item 4 (a) of the provisional agenda
Convention on Road Traffic (1968):
Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Submitted by the Governments of Austria, Belgium, France, Germany and Italy

1. This document proposes amendments (indicated in bold text) to Article 8 and Annex V of the 1968 Convention on Road Traffic to include systems which influence the way vehicles are driven and to take account of recent technical developments.

2. Separate documents introduce the equivalent amendment proposals to the 1949 Convention on Road Traffic and to the Annex of the 1971 European Supplement to the 1968 Convention on Road Traffic.

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Article 8

Drivers

1. Every moving vehicle or combination of vehicles shall have a driver.

2. It is recommended that domestic legislation should provide that pack, draught or saddle animals, and, except in such special areas as may be marked at the entry, cattle, singly or in herds, or flocks, shall have a driver[8].

3. Every driver shall possess the necessary physical and mental ability and be in a fit physical and mental condition to drive

4. Every driver of a power-driven vehicle shall possess the knowledge and skill necessary for driving the vehicle; however, this requirement shall not be a bar to driving practice by learner drivers in conformity with domestic legislation.

5. Every driver shall at all times be able to control his vehicle or to guide his animals[9].

[10] *See footnote.*

(a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles[11].

(b) Vehicle systems which influence the way vehicles are driven and are not in conformity with the aforementioned conditions of construction, fitting and utilization, shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when such systems can be overridden or switched off by the driver.

6. A driver of a vehicle shall at all times minimize any activity other than driving. Domestic legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation shall prohibit the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion.

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[8] **See also Point 7 of the Annex of the European Agreement.**

[9] **See also Point 7 of the Annex of the European Agreement.**

[10] **Additional paragraph introduced in the Annex of the European Agreement (see Point 7).**

[11] **The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.**
The UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

Annex 5

I. Technical conditions concerning motor vehicles and trailers

1. Without prejudice to the provisions of Article 3, paragraph 2 (a) and Article 39, paragraph 1 of this Convention any Contracting Party may, with respect to motor vehicles which it registers and to trailers which it allows on the road under its domestic legislation, lay down rules which supplement, or are stricter than, the provisions of this Annex. All vehicles in international traffic must meet the technical requirements in force in their country of registration when they first entered into service.

2. Vehicles may be fitted with systems, parts and equipment that are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles[1]. Vehicles that are in conformity with the aforementioned conditions are deemed to be in conformity with this Annex.

~~2~~.3. For the purposes of this Annex, the term "trailer" applies only to a trailer designed to be coupled to a motor vehicle.

~~3~~.4. Contracting Parties which, in conformity with Article 1, subparagraph (n), of this Convention, have declared that they wish to treat as motorcycles three-wheeled vehicles the unladen mass of which does not exceed 400 kg, shall make such vehicles subject to the rules laid down in this Annex either for motorcycles or for other motor vehicles.

II. Justification by the Governments of Austria, Belgium, France, Germany and Italy

1. Driver's skills vary substantially; human failure is by far the predominant cause of traffic accidents.

2. Vehicle systems such as Driver Assistance Systems support the driver in his driving task. They also may take influence on the way vehicles are driven. Thereby, they have the potential to take immediate beneficiary influence on road safety or to do the same by reducing drivers' workload.

3. Yet, in the recent past, technical developments have given rise to doubt and uncertainties whether all vehicle systems available today are in concordance / consistent with traffic regulations. The suggested amendment resolves this concern.

4. Keeping the driver in a superior role is a guiding principle of road traffic regulations. Therefore, overrideability as well as the possibility for the driver to switch systems off ensure that the driver's will is put forth.

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[1] **The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.**

The UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

5. Nevertheless there may be such vehicle systems which do – temporarily or constantly – not allow for overriding their interventions at any time or for switching them off completely, e.g. brake assist, a system which supports the driver in an emergency brake situation by applying – in case of an emergency braking manoeuvre – the maximum braking deceleration. Such system design may be rooted in the fact that a driver might not show appropriate actions or reactions in a potentially dangerous driving situation leading to the effect that the vehicle system would be prevented from deploying its full benefit for road traffic safety. Moreover, dangerous driving situations are imaginable which the driver might even aggravate by trying to override a vehicle system's intervention (e.g. by overriding / aborting an emergency braking intervention or by overriding / aborting an emergency swerving intervention). Such vehicle systems – even though they may possibly be not overrideable at any time or even though they may not be switched off completely – may help the driver to maintain his vehicle under control in dangerous driving situations. Therefore vehicle systems shall be deemed to be in conformity with the principles mentioned in Art. 8 [paragraphs 1 and] 5 and Art. 13 paragraph 1 of the Vienna Convention on Road Traffic (1968) if they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts, in particular the regulations annexed to the Geneva Agreements of 1958 and 1998.

6. The driver's obligation to monitor and control any kind of action taken by a vehicle system is addressed by the guiding principle underlying all road traffic rules. The systems are not designed to overrule decisions taken by sane, accountable drivers.

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Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Submitted by International Motorcycle Manufacturers Association (IMMA)

1. The text reproduced below was prepared by the expert from IMMA in order to introduce amendments to ensure consistency of Chapter II Vehicle lighting and light-signalling devices of the 1968 Convention on Road Traffic with regulations under the 1958 Agreement and regulations applicable in the European Union. The amendments refer to document TRANS/WP.1/2011/4/Rev.3. Proposals for amendments are marked in bold for new or strikethrough for deleted characters.

2. In the column I, reference is made to the paragraph numbers in ECE/TRANS/WP.1/2011/4/Rev.3 to which the proposed amendments apply.

3. In the column II, in the proposal for amendment is given in bold. Normal text is the original text in TRANS/WP.1/2011/4/Rev.2 and Rev.3.

4. In column III, the explanation is given with references to 1958 Agreement regulations. In italics the actual relevant paragraphs are reproduced.

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I	*II*	*III*
19	**A bend lighting lamp may be activated automatically in conjunction with the passing beam to produce bend lighting. Bend lighting means a lighting function to provide enhanced illumination in bends.**	Bend lighting should be added. The function is specified in R53, which applies to motorcycles (L3) only. The idea is the introduction of a light on each front side of the vehicle, which comes on with the passing beam lamp, which provides light in the direction of the vehicle when the motorcycle is tilting (bending). Reference to ECE/324/Rev.1/Add.52/Rev.3 ECE/TRANS/505/Rev.1/Add.52/Rev.3A *2.30. "Bend lighting" means a lighting function to provide enhanced illumination in bends.* *6.2.5.7. Additional light source(s) or additional lighting unit(s) may be activated only in conjunction with the principal passing-beam to produce bend lighting. The illumination provided by the bend lighting shall not extend above the horizontal plane, that is parallel with the ground and containing the reference axis of the headlamp producing the principal passing-beam for all bank* *angles as specified by the manufacture during type approval of the device according to Regulation No. 113.* *6.2.6.1. The additional light source(s) or additional lighting unit(s) used to produce bend lighting shall be so connected that it (they) cannot be activated unless the headlamp(s) producing the principal passing-beam is (are) also activated. The additional light source(s) or additional lighting unit(s) used to produce bend lighting on each side of the vehicle may only be automatically activated when the bank angle(s) is(are) greater or equal to the minimum bank angle(s) given in the communication form for the type approval of the device according to Regulation No. 113.*
36	Subject to the possibility that exemption from all or some of these obligations may be granted in respect of mopeds by	There is a problem with the limit 40 km/h.

I	*II*	*III*
	Contracting Parties which, in conformity with Article 54, paragraph 2, of the Convention, have declared that they treat mopeds as motorcycles: (a) Every two-wheeled motorcycle with or without side-car shall be equipped with one or two white passing beam headlamps; (b) Every two-wheeled motorcycle with or without side-car with a maximum design speed exceeding 40 km (25 miles) per hour ~~shall~~ **may** be equipped, in addition to the passing beam headlamps, with at least one white driving-beam headlamp. **(c) Every two-wheeled motorcycle with or without a side-car with a maximum design speed exceeding 50 km per hour shall be equipped, in addition to the passing beam headlamps, with at least one white driving-beam headlamp**	(a) ECE R 53 is applicable only for two wheeler with maximum speed exceeding 50km/h (motorcycles, L3 category) (b) ECE R 74, applicable to mopeds, two wheelers with Maximum design speed not exceeding 50km/h, prescribes driving beam head lamps as optional. This would leave a mismatch between ECE Regulations and Vienna convention, for two wheelers with maximum speed between 40 and 50km/h. As a possible solution to resolve this an additional option C is proposed: Option in b) and mandatory in c)
New paragraph after 38	**Motorcycles may be equipped with additional light source(s) or additional lighting unit(s) which may be activated only in conjunction with the principal passing beam to produce bend lighting'.** **The additional light source(s) or additional lighting unit(s) used to produce bend lighting on each side of the vehicle may only be automatically activated and deactivated on the basis of the banking of the vehicle.**	Reference to ECE/324/Rev.1/Add.52/Rev.3 ECE/TRANS/505/Rev.1/Add.52/Rev.3A *6.2.6.1. The additional light source(s) or additional lighting unit(s) used to produce bend lighting shall be so connected that it (they) cannot be activated unless the headlamp(s) producing the principal passing-beam is(are) also activated. The additional light source(s) or additional lighting unit(s) used to produce bend lighting on each side of the vehicle may only be automatically activated when the bank angle(s) is(are) greater or equal to the minimum bank angle(s) given in the communication form for the type approval of the device according to Regulation No. 113. ...*
39.	Every two-wheeled motorcycle may be equipped with one or two white ~~or amber~~ daytime running lamps. **If installed, the daytime running lamp shall automatically be ON when the engine is running.** **If no daytime running lamp is installed, the headlamp shall automatically be on when the engine is running.** **If the headlamp is switched on, the**	Reference to E/ECE/324/Rev.1/Add.52/Rev.2/Amend.4 E/ECE/TRANS/505/Rev.1/Add.52/Rev.2/Amend.4 *Paragraph 6.13.7.1.*, amend to read: "6.13.7.1. *If installed, the daytime running lamp shall be switched ON automatically when the device, which starts and/or stops the engine, is in a*

I	*II*	*III*
	daytime running lamp shall not come on when the engine is running.	*position which makes it possible for the engine to operate.* *The daytime running lamp shall switch OFF automatically when the headlamps are switched ON, except when the latter are used to give intermittent luminous warnings at short intervals.* *Furthermore, the lamps referred to in paragraph 5.10. shall not switched ON when the daytime running lamps are switched ON.* *5.11.1. The headlamp shall automatically be on when the engine is running.*
40	Every two-wheeled motorcycle without side-car shall be equipped at the rear with one **or two** rear red position lamp**(s).**	The Regulation 50 specifies that we can have a pair of position lamps.
41.	Every two-wheeled motorcycle without side-car shall be equipped at the rear with **one or two** red non-triangular retro-reflector**(s) and may be equipped at the side with one or two (number per side) amber (front & rear side) or red (rear side only) non-triangular retro-reflector(s).**	ECE 53 specifies mandatory rear red retro-reflector, non-triangular. ECE 53 specifies side retro-reflector, non-triangular: amber at the front and amber or red at the rear. In EU the side retro-reflectors are optional. Therefore the side reflectors should be optional in the Convention.
42.	Subject to the possibility for Contracting Parties which, in conformity with Article 54, paragraph 2, have declared that they treat mopeds as motorcycles, to exempt two-wheeled mopeds with or without side-cars from this obligation, every two-wheeled motorcycle with or without side-car shall be equipped with **one or two** red stop lamp(s).	Reference to ECE/324/Rev.1/Add.52/Rev.3 ECE/TRANS/505/Rev.1/Add.52/Rev.3A *6.4. Stop lamp* *6.4.1. Number* *One or two.*